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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the Existing)
Television Broadcast Service)

**OPPOSITION TO "MOTION TO STRIKE AND
RESPONSE TO REPLY TO OPPOSITION TO
SUPPLEMENT TO PETITION FOR RECONSIDERATION"**

America 51, L.P. ("America 51"), permittee of KAJW(TV), NTSC channel 51, Tolleson, Arizona, by its attorneys hereby opposes the "Motion to Strike and Response to Reply to Opposition to Supplement to Petition for Reconsideration" ("Motion") filed in this proceeding on November 7, 1997 by Univision Communications, Inc. ("Univision"). America 51's "Reply to Opposition to Supplement to Petition for Reconsideration" ("America 51 Reply") complied with the Commission's procedural requirements and did not in any way prejudice Univision. Consequently, America 51 respectfully requests that the Commission deny Univision's Motion.

Univision argues that it has been "prejudiced" because America 51 did not serve it with a copy of the America 51 Reply.¹ However, under Section

¹ Univision Motion at 1 n.1, 3-4. The America 51 Reply was submitted in order to respond and object to Brooks Broadcasting, LLC's ("Brooks") proposals for
(continued...)

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1.429(g) of the Commission's rules, replies to oppositions to petitions for reconsideration in a rulemaking proceeding must only be served on the party filing the opposition.² In accordance with the Commission's rules, America 51 properly served its Reply on Brooks, and was not required to serve Univision.

In any event, Univision should be fully aware of America 51's position in this matter and has in no way been prejudiced. Only eight days after filing the Reply, America 51 submitted and served Univision with a surreply ("Surreply") to Univision's "Reply to Opposition to Supplement to Petition for Reconsideration" ("Univision Reply").³ In its Surreply, America 51 expressly refers to the America 51 Reply.⁴ America 51's Surreply not only responds to Univision's newly proposed modifications to the DTV Table of Allotments, but it also necessarily reiterates America 51's position in this proceeding which America

¹(...continued)

changing the existing DTV Table of Allotments that directly affect America 51's DTV allotment. Hence, the America 51 Reply was a valid reply and not an "untimely opposition" as Univision repeatedly suggests in its Motion. *See* Univision Motion at 3-5.

² *See* 47 C.F.R. § 1.429(g) (stating that replies to oppositions "need only be filed on the person who filed the opposition").

³ As pointed out in the Surreply, America 51 was responding to Univision's newly revised proposal to change the DTV Table of Allotments. *See* America 51 Surreply at 1 n.1.

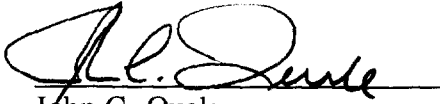
⁴ America 51 Surreply at 1 and 2 n.2.

51 made clear in its Reply to Brooks' proposals -- that the Commission should reject any change to KAJW's DTV allotment.⁵ Because the Surreply clearly sets forth America 51's position in this proceeding, Univision has not been prejudiced. In fact, Univision could have responded to the Surreply, but instead filed its Motion.

For the foregoing reasons, America 51 respectfully requests that the Commission deny Univision's Motion.

Respectfully submitted,

AMERICA 51, L.P.

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November 17, 1997

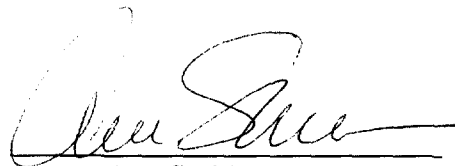
⁵ America 51 Surreply at 1 and 6; America 51 Reply at 1 and 5.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 1997, I caused a copy of the foregoing Opposition to "Motion to Strike and Response to Opposition to Supplement to Petition for Reconsideration" to be served by U.S. mail, postage prepaid on the following:

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A handwritten signature in cursive script, appearing to read 'Ava Smith', written over a horizontal line.

Ava Smith